

0275

MILL CREEK DISTRIBUTION SYSTEM
ANNUAL WATER USERS MEETING - 1985

The annual Water Users Meeting of the Mill Creek Distribution System was held on February 7, 1985 in Moab, Utah. The meeting was called order at 10:30 a.m. by Mr. Richard Hall, Directing Distribution Engineer for the Utah State Division of Water Rights. Mr. Hall conducted the meeting. Mark Page read the minutes from the February 29, 1984 meeting. Richard Nunn pointed out that his name appeared as Bob Nunn in two places, and J.V. Westwood appeared as I.V. Westwood in one place. It was also pointed out that in the minutes where it was suggested for the commissioner to no longer read measurements for ditch numbers 1 and 2, should have read that the commissioner no longer read the lower diversion of Harold Nation and Curtis Young. John Bicking made a motion that the minutes be accepted as read with these corrections. A second was given by Charlene Yates and the motion carried.

The next item of business was the financial statement. Mr. Hall stated that the balance of the distribution trust funds as of December 31, 1984 was \$1918.19. However, Mr. Hall noted that the system still owed Commissioner Byrnes his salary of \$2800.00 for 1984 plus \$367.27 for unpaid travel expenses. These unpaid bills mean that the trust fund is actually \$1249.08 in the red. The list of delinquent users were read and appeared to be correct. A question was raised on what would be done to collect these delinquent assessments. Mr. Hall said that one more notice requesting payment would be sent out to each delinquent user. If no response was received, the matter would be turned over to the Attorney General's Office. The Attorney General's Office would then start legal proceedings to obtain a lien on each delinquent users water right, or the headgates would be locked and no water delivered until the assessment was paid. Richard Nunn then made a motion to accept the financial statement as read. Charlene Yates seconded, and the motion passed.

The next item of business was the commissioner's report given by Bob Byrnes. Mr. Byrnes noted that the Bickings did not use any water this last year. He also noted that Kay Young's headgate used on South Mesa needs to be repaired to stop the water from running under the headgate. He also noted that the flume for Wilson Mesa Irrigation Company on Wilcox Flat should be repaired or replaced. Mr. Byrnes stated that 1984 had been a good water year and things went well. Mr. Nunn raised the question if he should be charged for water that is seeping into his ditch, which is not adequate to reach the irrigated acreage when the creek water is out of the ditch. Mr. Nunn indicated that the September water use as noted in the report was not accurate. Mr. Nunn then stated that he would send a record of the times he used water in 1984 to Mark Page of the Price Area

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Office for review. A motion to accept the commissioner's report as given was made by Richard Nunn. This motion was seconded by Charlene Yates. The motion carried.

The next item of business was the recommending of a commissioner for 1985. Dave Bretzke, Executive Director of the Grand County Water Conservancy District stated that the Conservancy District Board did not favor having a commissioner this coming year. No money had been budgeted for this purpose. Richard Nunn stated that he thought that it was imperative to have a commissioner. Charlene Yates asked what other alternatives were available. Mr. Hall stated that if a commissioner was not appointed, and distribution problems occurred, they would have to be settled by themselves, or through civil action in the District Court. Mr. Hall stated that if the court did appoint a commissioner, the system would probably have little or no flexibility like the present system has. Mark Page stated that the distribution system was organized because problems had occurred in the past and that if the system was dissolved, the State Engineer's Office would not come down to try to settle the problems. Mr. Hall asked for a roll call vote on whether or not to dissolve the Mill Creek Distribution System. The result of the vote was four in favor of dissolving the system and three in favor of keeping the system. Mrs. Alger later came to the meeting and was in favor of keeping the system, which would have made the vote tied. The roll call vote was as follows:

John Bicking	Self	For
Richard Nunn	Self	For
Charlene Yates	Wilson Mesa Irr. Co.	For
Doug Farnsworth	Moab Irrigation Co.	Against
Janie Walker Lawrence	Self	Against
David Bretzke	GCWCD	Against
Rudy Higgins	Self	Against

Further discussion on the system was held after the vote. Doug Farnsworth, President of the Moab Irrigation Co. stated that the problem with the system is the budget. He stated that some way ought to be devised to make the assessments more equitable. Various possibilities for changing the method of assessing was discussed. Mr. Hall stated that he didn't know what types of changes would be allowed under the statutes. Janie Walker Lawrence stated that her reasons for not paying her assessment are that the readings made on the water delivered to her are inaccurate, and that the Moab Irrigation Co. delivers her water,

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not the distribution system, therefore, they should pay her assessment. Mr. Farnsworth stated that it is the Moab Irrigation Company's feelings that the Water Conservancy District should pay the Company's assessment. Mark Page stated that this issue needs to be resolved between themselves. Mr. Hall stated that even if the system is dissolved, the State Engineer intends to collect the delinquent assessments. Doug Farnsworth stated that if the system is kept and Bob Byrnes is selected as the commissioner, there might be a conflict of interest on Ditch No. 5. Mark Page stated that the commissioner will only turn water out from Mill Creek from now on. The State Engineer's Office had only been trying to help out the water users by regulating and measuring ditch No. 5, and the Walker diversion.

Mr. Hall proposed that another meeting be held at a later date to discuss the issue of whether or not to keep the system. This would allow him time to find out what kind of changes could be made under the statute. John Bicking made a motion to meet at a later date to discuss this matter. R.S. Higgins seconded, and the motion carried. The next meeting will be held on Tuesday, February 26, 1985 at 7:00 p.m. Mr. Hall then read a list of those who would receive notices for this meeting.

The meeting was adjourned at 11:45 a.m.

Those present at the meeting were:

Richard Hall	Div. of Water Rights - SLC
Jerry Bronicel	Div. of Water Rights - SLC
Mark Page	Div. of Water Rights - Price
Blaine Ipson	Div. of Water Rights - Price
Bob Byrnes	Mill Creek Commissioner
R.S. Higgins	Moab Irrigation Company
Dave Bretzke	GCWCD
Dale Pierson	GCWCD
Janie Walker Lawrence	Water User
Doug Farnsworth	Moab Irrigation Company
Charlene Yates	Wilson Mesa Irrigation Company
Richard Nunn	Wilson Mesa Irrigation Company
Mrs. Alger	Mesa Water User
John & Marilyn Bicking	Water Users